

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FRANK CARBONE, ANDREW CORZO,
SAVANNAH ROSE EKLUND, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLANDER, BRANDON PIYEVSKY, KARA
SAFFRIN, and BRITTANY TATIANA WEAVER,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY, UNIVERSITY
OF CHICAGO, THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW YORK,
CORNELL UNIVERSITY, TRUSTEES OF
DARTMOUTH COLLEGE, DUKE UNIVERSITY,
EMORY UNIVERSITY, GEORGETOWN
UNIVERSITY, THE JOHNS HOPKINS
UNIVERSITY, MASSACHUSETTS INSTITUTE
OF TECHNOLOGY, NORTHWESTERN
UNIVERSITY, UNIVERSITY OF NOTRE DAME
DU LAC, THE TRUSTEES OF THE UNIVERSITY
OF PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY, and
YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Judge Matthew F. Kennelly

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Defendants respectfully submit *In re Apple iPhone Antitrust Litigation*, No. 4:11-cv-6714 (N.D. Cal. Oct. 27, 2025), as supplemental authority in support of Defendants' Opposition to Plaintiffs' Motion for Class Certification (Dkt. 788). A copy is attached as Exhibit A.

The plaintiffs in *Apple iPhone* brought Sherman Act claims alleging that Apple, Inc. charges app developers a supracompetitive commission, which developers then pass on to consumers who download their apps or make in-app purchases. *Id.* at 2. The class consisted of persons who either purchased iOS applications or made in-app purchases. *Id.*

Because many class members had multiple accounts, plaintiffs’ expert attempted to deduplicate the data and match the accounts with the relevant class member. *Id.* at 5-6. The court excluded that testimony and decertified the class in part because the expert “sought to match ‘names’ rather than ‘payors.’” *Id.* at 20. The court rejected plaintiffs’ argument that the direct purchaser was the individual who clicked “purchase” regardless of whose money they spent as contrary to the Supreme Court’s instruction requiring “[t]he absence of an intermediary.” *Id.* (quoting *Apple Inc. v. Pepper*, 587 U.S. 273, 281 (2019)). The court cited one “common example: families.” *Id.* at 21.

Children often use their parent’s credit card to purchase apps or make in-app purchases in Apple’s App Store through their own Apple ID. Here, although the parent paid Apple for the transaction, and was therefore the direct purchaser, [plaintiffs’ expert’s] analysis viewed the child—who did not directly pay Apple—as a payor.

Id. Such individuals who did not actually pay “likely would not have Article III or antitrust standing.” *Id.* The plaintiffs therefore “failed to provide a model capable of reliably showing classwide injury and damages.” *Id.* at 27.

As defendants argued in their Opposition to Plaintiffs’ Motion for Class Certification, also citing the Supreme Court’s decision in *Apple*, 587 U.S. at 281, class certification should be denied because plaintiffs in this case similarly failed to offer a model that identifies and excludes individuals who did not directly pay their tuition. The same “common example” is present here, as there is no dispute that family members of many putative class members directly paid their

tuition. These students suffered no injury and lack antitrust and Article III standing, yet plaintiffs offer no way to identify and exclude them from the class. *See* Dkt. 788 at 53-55 § IV.

Dated: October 28, 2025

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2025, I caused a true and correct copy of the foregoing document to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

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